

# Agenda Report

**TO:** CITY COUNCIL

**DATE:** MARCH 1, 1999

**FROM:** CITY MANAGER

**SUBJECT:** RESOLUTION REGARDING GUIDELINES FOR OVERCONCENTRATION OF INSTITUTIONAL USES

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**CITY MANAGER'S RECOMMENDATION:** It is recommended that the City Council adopt the attached resolution approving Citywide guidelines contained in Exhibit 2 for reviewing conditional use permit applications for institutional uses.

**BACKGROUND:**

On November 30, 1998, the City Council held a public hearing on zoning code amendments related to fair housing issues. The City Council approved a recommendation to eliminate the creation of an overlay district for the Northwest that would require a conditional use permit for all residential uses that exceeded seven habitable rooms. Instead of an overlay district, the Council approved a recommendation to establish guidelines for reviewing conditional use permits in order to avoid overconcentration. The Council directed staff to review the proposed guidelines to determine their applicability Citywide.

*Uses subject to overconcentration guidelines*

At the November 30, 1998 public hearing, the City Council approved the concept of the overconcentration guidelines. The following "institutional" uses as outlined in the General Plan are subject to the overconcentration guidelines: convalescent facilities, detention facilities, hospitals, maintenance and service facilities, residential care, general and charitable institutions. Table 1 illustrates in which zoning districts the institutional uses are permitted, conditionally permitted or not permitted.

*Applying the Guidelines City-Wide*

In applying these guidelines Citywide, staff had concerns about the need to allow for the concentration of certain types of institutional uses. For example, allowing residential care facilities or convalescent facilities to concentrate around a hospital is warranted since such facilities may need the service of a hospital on a more frequent basis. In reviewing this issue, staff has concluded that the way to resolve this issue would be to apply the overconcentration guidelines to all zoning districts except the PS district. Hospitals and other large institutional uses are typically located in PS (public, semi-public) zoning districts. Such uses as convalescent

**TABLE 1**

	<b>RM-16</b>	<b>RM-32, RM-48</b>	<b>CO, CL</b>	<b>CG</b>	<b>IG</b>	<b>CD Subdistricts<sup>1</sup></b>
<b>Convalescent Facilities</b>	Not Permitted	CUP	CUP	Not Permitted	Not Permitted	CUP in CD-7, 7A, 8, 10- 13A and 15
<b>Detention Facilities</b>	Not Permitted	Not Permitted	Not Permitted	Not Permitted	CUP	CUP in CD-3 only, not permitted elsewhere
<b>Hospitals</b>	Not Permitted	Not Permitted	Not Permitted	CUP	Not Permitted	Not Permitted
<b>Maintenance and Service Facilities</b>	Not Permitted	Not Permitted	Not Permitted	Not Permitted	CUP	Permitted in CD-9 and 11
<b>Residential Care, General</b>	CUP	CUP	CUP	Not Permitted	Not Permitted	CUP in all subdistricts; except not permitted in CD-4, 5, and 14
<b>Charitable Institutions</b>	Not Permitted	Not Permitted	CUP	CUP	CUP	CUP in CD-3, 8-13 and 15

<sup>1</sup>Exhibit 2 contains a breakdown of the Central District subdistricts.

facilities or residential care facilities can locate within a PS without being subjected to the overconcentration guidelines. Additionally the guidelines have been drafted with flexibility so that even if a use was subject to the guidelines, through the public hearing process an applicant can provide evidence that the impact of the use will not be adverse. It should be noted that the South Fair Oaks Specific Plan permits convalescent facilities and residential care, general uses along South Fair Oaks Avenue south of Hurlbut Street. The intent was to allow for health-care related housing to buffer the residential district to the west. It would be staff's recommendation to exempt convalescent facilities and residential care, general uses from the overconcentration guidelines within the South Fair Oaks Specific Plan area.

An additional issue is that the use, maintenance and service facilities, is permitted (no conditional use permit is required) within subdistricts 9 and 11 of the Central District. CD-9 is South Arroyo Parkway while CD-11 is West Downtown. The guidelines will not apply to this use because it is permitted. However, whether this use continues to be a permitted use will be reviewed as part of the Central District Specific Plan.

*Guidelines for Evaluating Overconcentration*

These guidelines would allow staff to review the establishment or the expansion of one of the

above uses to determine if there are the same uses within 300 feet of the proposal. If the same uses did exist, then staff would recommend denial of the application. As previously pointed out, the guidelines allow an applicant to rebut by providing evidence that the impact of the use will not be adverse.

*New Zoning Code Use Classifications*

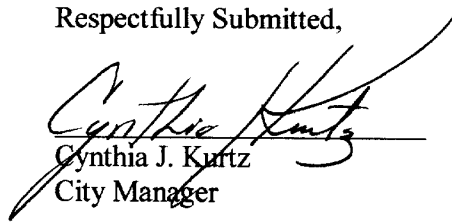
The City had embarked on an intensive revision of its zoning code. Staff anticipates that some of the definitions of housing and institutional uses will change. The revised zoning code is looking toward new trends in housing. One of those trends appear to be towards meeting the housing demand of an aging population through such uses as congregate care and assisted living care as well as convalescent facilities. The need will be for these facilities to be concentrated around medical facilities and other uses that support this type of care.

revised.

**FISCAL IMPACT:**

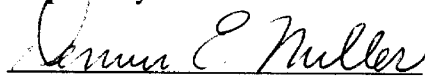
These guidelines will be used to review conditional use permit applications. They will not have a direct financial impact since this review will be covered as part of the conditional use permit fee. No additional fees are proposed for reviewing conditional use permits subject to these guidelines.

Respectfully Submitted,



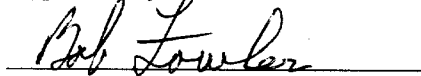
Cynthia J. Kutz  
City Manager

Prepared by:



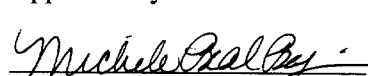
Denver E. Miller  
Principal Planner

Approved by:



Darrell L. Lewis  
Director of Planning

Approved by:



Craig A. Steele  
Deputy City Attorney